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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,939	06/15/2001	Chenglin Cui	42390P11654	9489

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EXAMINER

FISH, JAMIESON W

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,939

Applicant(s)

CUI ET AL.

Examiner

Jamieson W. Fish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06-15-2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 06-15-2001 and 08-24-2001 have been considered by the examiner.

Claim Rejections - 35 USC § 112

Claim **23** recites the limitation "said untransmitted-frame determiner" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-18** and **24-30** are rejected under 35 U.S.C. 102(e) as being anticipated by Judge (US 6,718,298).

Regarding claim **1**, Judge teaches a method, comprising: counting an untransmitted frame (See Col. 3 lines 41-65); determining a silence description frame (See Col. 4 lines 13-16); and storing a silence description frame (See Col. 4 lines 13-16).

Regarding claim **2**, Judge teaches the method further comprising: receiving an active frame; and storing the active frame (See Col. 4 lines 12-14).

Regarding claim 3, Judge teaches the method further comprising decoding a file comprising an active frame and a silence description frame (See Col. 4 lines 8-28).

Regarding claim 4, Judge teaches the method further comprising receiving a packet describing comfortable noise (Col. 5 lines 8-15).

Regarding claim 5, Judge teaches wherein said counting an untransmitted frame comprises determining an untransmitted frame represents a silence frame (See Col. 2 lines 29-47).

Regarding claim 6, Judge teaches wherein said counting an untransmitted frame comprises determining a sequence of frames comprises a silence frame (See Col. 3 lines 41-65).

Regarding claim 7, Judge teaches wherein said determining a silence description frame comprises determining a pattern to demarcate the silence description frame (See Col. 3 lines 41-67, Col. 4 lines 1-28, SID is determined based on the flag).

Regarding claim 8, Judge teaches wherein said determining a silence description frame comprises determining a frame to decode as an invalid frame (See Col. 3 lines 31-21 Detecting errors is determining a frame to decode as an invalid frame).

Regarding claim 9, Judge teaches wherein said determining a silence description frame comprises selecting a size of the silence description frame equivalent to the size of an active frame (See Col. 4 lines 23-28).

Regarding claim 10, Judge teaches wherein said storing the silence description frame comprises storing the silence description frame adjacent to an active frame (See Col. 4 lines 8-37).

Regarding claim **11**, Judge teaches an apparatus, comprising: a network interface (See Fig. 1 Radio 106 Col. 3 lines 5-15); and a silence description frame filer coupled to said network interface (See Col. 3 lines 41-65); and a data storage device coupled to said silence description frame filer (See Col. 4 lines 9-62).

Regarding claim **12**, Judge teaches the apparatus of claim 11, further comprising a decoder to decode a file comprising an active frame and a silence description frame (See Fig. 3 Speech decoder 302).

Regarding claim **13**, Judge teaches the apparatus of claim 11, wherein said network interface comprises a packet-switching interface (See Col. 6 lines 9-21 GPRS has packet switching interface).

Regarding claim **14**, Judge teaches the apparatus of claim 11, wherein said silence description frame filer comprises a microprocessor coupled to said data storage device (See Figs. 1-3, Col. 2 lines 64-67, Col. 3 lines 1-67, Col. 4 lines 1-67).

Regarding claim **15**, Judge teaches the apparatus of claim 11, wherein said silence description frame filer comprises a microprocessor to count an untransmitted frame (See Fig. 1 Microcontroller 117, Col. 4 lines 9-28).

Regarding claim **16**, Judge teaches the apparatus of claim 11, wherein said silence description frame filer comprises a microprocessor to determine a silence description frame (See Fig. 1 Microcontroller 117, Col. 4 lines 9-28).

Regarding claim **17**, Judge teaches the apparatus of claim 11, wherein said data storage device comprises a data storage controller coupled to said silence description frame filer (See Fig. 1 Microcontroller 117, Col. 4 lines 9-28).

Regarding claim **18**, Judge teaches the apparatus of claim 11, wherein said data storage device comprises a memory device coupled to said silence description frame filer (See Fig. 1 Memory 116 Col. 4 lines 9-62).

Regarding claims **24, 25, 26, 27, 28, 29** and **30**, claims **24, 25, 26, 27, 28, 29** and **30**, are machine-readable medium claims corresponding to method claims 1, 2, 5, 7, 9, 8 and 10, respectively. Thus, claims **24, 25, 26, 27, 28, 29** and **30** are discussed and rejected according to claims 1, 2, 5, 7, 9, 8 and 10.

Claims **19-21** are rejected under 35 U.S.C. 102(b) as being anticipated by Hämäläinen et al. (US 6,477,176).

Regarding claim **19**, Hämäläinen teaches a system, comprising: a variable-size packet transmitter (See Fig. 1 Transmitter 11 and Col. 3 lines 29-67); and a silence description frame filer coupled to said variable-size packet transmitter (See Fig. 1 and 10 TX/RX and Col. 3 lines 29-67).

Regarding claim **20**, Hämäläinen teaches a decoder coupled to an output device (See Fig. 2 Speech Processor 3 and Col. 3 lines 29-Col. 4 lines 1-10).

Regarding claim **21**, Hämäläinen teaches system of claim 19, wherein said variable-size packet transmitter comprises a microprocessor to encode active audio in a fixed-size packet (See Fig. 1 Speech Processing 3 and Col. 3 lines 29-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim **22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hämäläinen (US 6,477,176).

Regarding claim **22**, Hämäläinen teaches wherein said variable-size packet transmitter comprises a microprocessor to encode data in a fixed-size packet (See Fig. 1 Data Processing 8 and Col. 3 line 29-Col. 4 line 24). Official Notice taken that video is a well known type of data. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hämäläinen to encode video data to allow the user to receive more types of media.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 1-24-2006


CHRIS KELLEY
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